

## United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

Miguel Anjel Palacio

YOB:

PRINCIPAL  
1997

United States

United States District Court  
Southern District of Texas  
FILED

NOV 14 2018

## CRIMINAL COMPLAINT

Case Number:

M-18-2354 -M

Clerk of Court

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 12, 2018 in Hidalgo County, in the Southern District of Texas defendants(s) did,  
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Carlos Alfredo Perez-Perez and Gerardo Tut-Tzalam, both citizens of Guatemala, along with one (1) other undocumented alien, for a total of three (3), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Los Ebanos, Texas to the point of arrest near McAllen, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On November 12, 2018, Border Patrol Agents responded to a camera activation in Los Ebanos, Texas. The still image displayed a single male subject running north away from the Rio Grande River. This area is notorious for alien and narcotic smuggling.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

Approved AUSA LARA GARCIA  
*[Signature]*

☒ Yes ☐ No

*[Signature]*  
Signature of Complainant

Sworn to before me and subscribed in my presence,

November 14, 2018

Date

J Scott Hacker

U. S. Magistrate Judge

Name and Title of Judicial Officer

Gerardo Montaño

Senior Patrol Agent

Printed Name of Complainant

at McAllen, Texas

City and State

*[Signature]*  
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-18-2354 -M**

**RE: Miguel Anjel Palacio**

**CONTINUATION:**

A Border Patrol Agent near the area responded and observed a tan colored Sport Utility Vehicle (SUV) bearing Minnesota state license plates traveling away from the camera activation. As the SUV passed the agent, the agent observed multiple people in the SUV. The agent proceeded to follow the SUV northbound on El Faro Road and requested a registration check on the SUV. The registration check returned to a different make and model of vehicle. Due to an increased volume of alien smuggling in the Los Ebanos area, and the aforementioned facts, the agent proceeded to activate his vehicle's emergency equipment to perform a vehicle stop on the SUV.

The SUV failed to stop and continued eastbound on Expressway 83. The agent continued to pursue the SUV and received assistance from other law enforcement agencies. During the pursuit, the SUV disregarded stop lights as well as the public's safety, and reached speeds of approximately 80 miles per hour. After approximately twenty-one (21) miles, the SUV came to a stop in the parking lot of La Plaza Mall in McAllen, Texas.

A responding agent observed the driver exit the SUV and run into the mall. After a short foot pursuit, the agent apprehended the driver, who was later identified as Miguel Anjel Palacio, a United States Citizen. A search of the SUV resulted in the apprehension of three (3) subjects who were determined to be illegally present in the United States.

All subjects were transported to the McAllen Border Patrol Station for processing.

**PRINCIPAL STATEMENT:**

Miguel Anjel Palacio was advised of his Miranda Rights, stated he understood his Rights, and agreed to provide a sworn statement.

Palacio stated he was to be paid 600 USD to pick up and transport aliens to a grocery store in Palmview, Texas. Once at the pickup location in Los Ebanos, Texas, Palacio claimed he took his time and opened the door for one of the aliens. After the aliens boarded the vehicle, Palacio indicated that he could see the people were "freaking out the whole time." After departing the pickup location, Palacio stated that he believed it had just rained because his windshield was foggy and he couldn't see the road in front of him. Palacio eventually saw a Border Patrol Unit trying to stop him, however he continued to drive. During the course of the pursuit, Palacio stated he remembers saying "fuck no, you all aren't going to get me this time." When Palacio eventually stopped the vehicle, Palacio stated he ran until he was apprehended.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

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**M-18-2354 -M**

**RE: Miguel Anjel Palacio**

**CONTINUATION:**

**MATERIAL WITNESSES STATEMENTS:**

Carlos Alfredo Perez-Perez and Gerardo Tut-Tzalam were advised of their Miranda Rights, both understood their Rights, and agreed to provide a sworn statement.

Perez, a citizen of Guatemala, claimed his family made his smuggling arrangements, but wasn't sure of the amount that was to be paid. Perez stated that he crossed the river along with three (3) other subjects, and was instructed to wait for a truck. Upon boarding the vehicle, Perez stated the vehicle drove off and he felt scared due to the way the car was being driven. Perez claimed they told the driver to stop, but he continued driving until eventually coming to a stop at a store and exiting the vehicle.

Perez identified Palacio, through a photo lineup, as the driver of the vehicle.

Tzalam, a citizen Guatemala, claimed he has paid 5,000 USD of the 7,000 USD he was charged to be smuggled to Houston, Texas. After crossing the river along with two (2) other subjects, Tzalam stated that they walked for approximately five (5) minutes before they waived down the vehicle and were told by the driver to get in. Tzalam stated that they continued driving while being pursued by law enforcement. Tzalam claimed that the driver was driving fast in and out of lanes. Tzalam stated that they told the driver to stop two (2) different times, but he continued driving until eventually coming to a stop at a store and exiting the vehicle.

Tzalam identified Palacio, through a photo lineup, as the driver of the vehicle.